

Appl. No. 09/752,507
Amdt. Dated Jan. 21, 2004
Reply to Office Action of Dec. 15, 2003

REMARKS

Claim Rejections under 35 U.S.C. 102(e)

Claims 1,3-6, 8-11, 13, 14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Holshouser (US006151486A).

In response to this rejection, applicant respectfully traverses as follows.

Regarding claim 1, Examiner argues that Holshouser discloses an electronic device which is the same as defined by claim 1. However, applicant traverses because, in the present invention, when one of the first means and the second means is electrically activated by the power source of the electronic device, a magnetic field is created. As a result, the first means **repels** the second means, thereby pushing the cover from the closed position to the open position. However, in Holshouser, the unfolding apparatus comprises a conductive coil 62 and a spring member 56, and a first magnet 60a and a second magnet 60b. When electrical current flows through the conductive coil 62, a magnetic field generated by the conductive coil 62 reduces the magnetic force between the first magnet 60a and the second magnet 60b such that the biasing force of the spring member urges the flip cover towards the open position. It is seen that the magnetic field generated by Holshouser's conductive coil is to **reduce the attraction** between the first magnet and the second magnet, **rather than directly repel** the first magnet or the second magnet as the present invention. Therefore, the structure and the function of the unfolding apparatus of the instant invention are quite different from that of Holshouser.

Regarding claim 5, Examiner states that Holshouser discloses a controller comprising an operator, a movable contact and a stationary contact, and both the movable contact and the stationary contact are respectively connected with

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circuitry between the first means and the power source. However, applicant asserts that Holshouser **fails to disclose** the movable contact and the stationary contact are **respectively** connected with the circuitry between the first means and the power source. As shown in Figures 5 and 6A of Holshouser, only two **stationary contacts** are connected with the circuitry, **the movable contact isn't connected with the circuitry** when the operator is at the free position. In Holshouser, even when operator is pressed down, the movable contact are connected with the circuitry **via the stationary contacts**, rather than **respectively** connected with the circuitry. Thus, as shown in Figures 5 and 6A of Holshouser, only when the operator is **correctly vertically pressed down**, the two stationary contacts are all connected with the movable contact, the switch element 65 activates the electromagnet 60 to unfold the foldable electronic device. If the operator is **slantingly** pressed down, it's possible that only one of the stationary contacts is connected with the movable contact, thus the switch cannot functions to activate the electromagnet. Therefore, above difference leads to the present invention acquiring a more reliable and sensitive controller than Holshouser. Applicant asserts that claim 5 is very different and unobvious over Holshouser.

Regarding claim 6, Examiner states that, Holshouser discloses that when the movable contacts are pressed by the controller to contact the stationary contacts, a magnetic field is created around the first means to repel the second means, and the answering switch is activated. Applicant asserts that Holshouser **fails to disclose** a controller for controlling a magnetic field and **an answer switch**. Although Holshouser discloses that "a magnet associated with a speaker in the radiotelephone may serve the function of the first or second magnetic object" (see column 1, line 61 to column 2, line 11), it merely discloses a possible position of the magnet. Therefore, applicant asserts that Holshouser **fails to disclose** an controller activating an magnet field and an answer switch when the movable contacts are pressed down. Furthermore, due to the above difference, the present

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invention can unfold the communication device and answer the phone call by a single controller. The present invention provides a more convenient communication device than Holshouser. Therefore, claim 6 is very different and unobvious over this reference.

Regarding claim 10, as asserted above, Holshouser fails to disclose the movable contact and the stationary contact **respectively connected** with the circuitry between the first means and the power source. Therefore, claim 10 is very different and unobvious over this reference.

Regarding claim 11, as asserted above, when the first means is electrically connected with a power source, a magnetic field is created to **repel the second means** away from the closed position., this feature is different from Holshouser and novel in relation thereto.

Regarding claim 16, as asserted above, the controller activates circuits to create a magnetic field to **repel** the device mounted on the cover. However, in Holshouser, the cover is moved from a closed position to an open position through **the biasing force of a spring member under assistance of the conductive coil reducing/eliminating the 9 (original) magnetic force between the two magnets** (column 6, lines 37-44). It will be apparent that the structure and the operation manner of the unfolding apparatus of the cellular phone of the instant application are *different from and/or opposite to* those of Holshouser and thus novel in relation thereto.

Claim Rejections under 35 U.S.C. 112

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner further specifically

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indicates that the limitation "no spring force is provided to encounter or be encountered by said magnetic field" is a negative limitation that rendered the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent (MPEP 2173.05(i)). Applicant respectfully traverses it.

According to the beginning of MPEP 2173.05(i), *there is nothing inherently ambiguous or uncertain about a negative limitation, and so long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112.* Accordingly and understandably, **NOT all negative limitations are prohibited.**

In the instant application, one preferred feature is clearly depicted that opening of the cover depends on magnetic force operating between the electromagnetic coil and the magnet and NO torsion SPRING is required for opening (see specification, page 3, lines 7-9). Therefore, the negative limitation is already supported in the disclosure and complies with written descriptive requirements. On the other hand, with this negative limitation, in the dependent claim 19 the boundaries of the patent protection are clearly further defined NOT to cover the unfolding apparatus **which has the spring** involved with the magnetic field during opening the cover. Thus, this negative limitation is evidentially believed to meet the requirement defined in MPEP 2173.05(i). Removal of rejection to claim 19 under 35 U.S.C. 112 is respectfully requested.

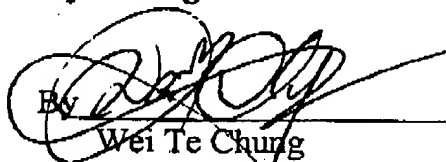
Claims 3-5 depend directly from claim 1, claims 8-10 depend directly from claim 6, claims 13-14 depend directly from claim 11, and claims 17-19 depend directly from claim 16. All these dependent claims incorporate more features

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therein, and therefore are also novel over the cited reference. It is submitted that all pending claims are novel in relation to Holshouser, and are in a condition for allowance.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance and an action to such effect is earnestly solicited.

Respectfully submitted,
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